

An Garda Síochána

Oifig Saoráil Faisnéise
An Garda Síochána
Teach áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin
An Uaimh
Contae na Mí
C15 DR90



Freedom of Information Office
An Garda Síochána
Athlumney House
IDA Business Park
Johnstown
Navan
Co Meath
C15 DR90

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000051-2015 Request Refusal

Dear

I refer to the Freedom of Information Act 2014 and your submission to this body dated 16/10/2015 and received on 16/10/2015.

Part 1 of Schedule 1 of the Freedom of Information Act 2014 states that An Garda Síochána is listed as a partially included agency “*insofar as it relates to administrative records relating to human resources, or finance or procurement matters*”. Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request is shown below:

“A: The number of firearms that An Garda Síochána has procured from January 1, 2008 to date, broken down by make and model.

B: The total cost for all firearms purchases from January 1, 2008 to date, broken down by make and model.”

I, _____ wish to inform you that your request has been refused.

Under Part 1, Section 2 (Interpretation) of the Freedom of Information Act, 2014, the effective date under Subsection (c) is defined as:

“in the case of an entity that immediately prior to enactment of this Act, was not a public body within the meaning of the Act of 1997, but is a public body within the meaning of this Act, 21 April 2008, unless provision is made to the contrary by order under section 6;”

As An Garda Síochána was not an included body prior to the commencement of the Freedom of Information Act, 2014, we can only provide information from 21st April 2008. Therefore the information you sought from 1st January 2008 to 21st April 2008 cannot be provided to you.

In addition to the above your request is being refused under section 32(1)(a)(i) and 32(1)(a)(ii) of the Freedom of Information Act 2014 as I am of the opinion that this information can be reasonably expected, if used inappropriately, to prejudice or impair the Garda Organisation operational capabilities in:

- (i) *“the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matter aforesaid”*
- (ii) *“the enforcement of, compliance with or administration of any law”*

The detail sought by you in your request of 16th October 2015 fundamentally seeks to identify the operational capabilities of An Garda Síochána with regard to firearms throughout the Garda Organisation. An Garda Síochána has unique functions, as set out in the Garda Síochána Act 2005, of which one is *“protecting the Security of the State”*, I am of the opinion that nothing should jeopardise, impair or prejudice the ability of An Garda Síochána to carry out that function to its fullest capability.

The data sought, if released, would specifically identify the make and models of firearms available to An Garda Síochána thus allowing for criminal elements in society to proactively develop and/or acquire countermeasures to negate the possible effect an armed Garda response may have in any given situation. This in turn would diminish effectiveness of the lawful methods employed by An Garda Síochána to prevent and detect offences and apprehend offenders as set out in section 32(1)(a)(i) of the Freedom of Information Act 2014.

Similarly the identification of costs associated with the purchase of firearms disaggregated by make and model would identify to the general public each firearm available to An Garda Síochána since 21st April 2008. This detailed and specific information will not be provided and creates a risk to individual Gardaí who may be issued with a firearm from the criminal element in society who will be able to assess the possible armed response capabilities of Gardaí. It is therefore reasonable to expect that it would impair and prejudice the Organisations capability to enforce the Law as set out in section 32(1)(b)(ii) of the Freedom of Information Act 2014.

It is my opinion that the release of this information into the public domain in any form via a Freedom of Information request is an unnecessary risk to the law enforcement procedures employed

throughout the State and to individual Gardaí both armed and unarmed. It is reasonable to believe that the information sought and merged with other Garda information readily available in the public domain, such as Garda specialist sections, could result in an overall picture being developed with regard to the allocation of firearms throughout the Organisation. This would be of benefit to criminal organisations and individual criminals alike.

1. Right of appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000051-2015**.

Freedom of Information Office,
An Garda Síochána,
Athlumney House,
IDA Business Park,
Johnstown,
Navan,
Co. Meath
C15 DR90

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account
Account Number: 10026896
Sort Code: 900017
IBAN: IE86BOFI90001710026896
BIC: BOFIIE2D

You must ensure that your FOI reference number is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

FREEDOM OF INFORMATION OFFICER.

11th November 2015